

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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DENNIS MIX, II,

Plaintiff,

v.

ORDER

23-cv-826-wmc

KEVIN CARR, YANA PUSICH,  
CHAPLAIN FREEMAN, CHAPLAIN LOUIS,  
and RANDY HEPP,

Defendants.

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Plaintiff Dennis Mix, II, a former state prisoner who was representing himself, was proceeding on First Amendment Free Exercise claims after defendants allegedly denied him access to religious services while he was imprisoned. Mix's sister, Laura Hardin, appeared at the preliminary pretrial conference and informed the court that Mix passed away in June 2024. (Dkt. #12.) Defendants then filed a suggestion of death pursuant to Fed. R. Civ. P. 25 with a certificate of service, stating that they had sent the suggestion of death to Hardin via first-class mail on April 8, 2025. (Dkts. ##13, 13-1.) Defendants then filed a "Rule 25 Report" on April 18 identifying Hardin as Mix's successor for Rule 25 purposes. (Dkt. #14, at 2.) The court then entered an order allowing Hardin 90 days from the April 8 service of the notice of death to file a motion to be substituted as the plaintiff in this case and mailed that order to Hardin. (Dkt. #15.) The court warned that the case would be dismissed if she did not file a motion for substitution by July 7, 2025. (*Id.*)

Defendants now move to dismiss this case under Fed. R. Civ. P. 25(a). (Dkt. #16.) Because Hardin has failed to move for substitution within 90 days of service of the suggestion of death, the court will dismiss the case with prejudice. *See* Fed. R. Civ. P.

25(a)(1); *see also Russell v. City of Milwaukee*, 338 F.3d 662, 663 (7th Cir. 2003) (affirming dismissal with prejudice under Rule 25(a)).

ORDER

IT IS ORDERED that:

- 1) Defendant's motion to dismiss (dkt. #16) is GRANTED, and this case is DISMISSED with prejudice.
- 2) The clerk of court is directed to enter judgment accordingly and send a copy of this order to Laura Hardin at the address below:

Laura Hardin  
3526 North 39th Street  
Milwaukee, WI 53216

Entered this 11th day of July, 2025.

BY THE COURT:

/s/

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WILLIAM M. CONLEY  
District Judge